

Texas Grace Communications DOCKET FILE COPY ORIGINAL
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May 24, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th St. SW
Room TW-B204
Washington, D.C. 20554

RECEIVED
MAY 26 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: Submission of two (2) separate pleadings
by Texas Grace Communications
in Allocations Proceeding on Tipton, OK
aural service matter, RM-9423,
MM Docket No. 99-23**

Dear Ms. Salas,

Please find enclosed two (2) separate pleadings from Texas Grace Communications for Commission file-stamp upon receipt, and direction to the Allocations Branch proceeding, RM-9423, under MM Docket No. 99-23, on the matter of establishing aural service at Tipton, Oklahoma.

The attached (2) separate pleadings are titled:
"Essential Supplemental Comments of Texas Grace Communications";
and, *"Motion By Texas Grace Communications For Acceptance Of Late-Filed Essential Supplemental Comments Pleading".*

Please note that these two (2) separate pleadings are each accompanied by four copies, in addition to the signed originals, plus, "stamp-in and return copies" for our courier.

Feel free to contact the undersigned if there are any questions regarding this submission. The Secretary's courtesy in processing this material is gratefully appreciated.

Sincerely,



Dave Garey
Proprietor, Texas Grace Communications

Enclosures (12): 2 Original Separate Pleadings, courier stamp-in and return versions, plus 4 copies of each.

No. of Copies rec'd
List ABCDE

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 99-23
Table of Allotments)	
FM Broadcast Stations)	RM - 9423
(Tipton, Oklahoma))	

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

MOTION BY TEXAS GRACE COMMUNICATIONS

FOR ACCEPTANCE OF LATE-FILED

"ESSENTIAL SUPPLEMENTAL COMMENTS" PLEADING

Texas Grace Communications ("Texas Grace"), pursuant to Section 1.415 of the Commission's Rules, hereby enters this Motion for acceptance and full review by the Commission of Texas Grace's "Essential Supplemental Comments" pleading in the above-captioned proceeding, as submitted to the Allocations Branch Chief on this date. In support thereof, Texas Grace states:

1. CRITICAL NEW INFORMATION OBTAINED.

Texas Grace has recently obtained what it considers to be critical new information pertaining to the credibility and integrity of the subject "Good Government Radio" ("GGR") petition proposing aural service at Tipton, Oklahoma--inclusive of evidence which Texas Grace believes demonstrates clear abuse of government processes by this entity. This evidence includes a statement from the Tallahassee, Florida-based Postal Inspector regarding misuse of the postal box serving as GGR's sole address, along with identification of the actual GGR boxholder. Acceptance of the attached Supplemental Comments pleading will ensure thorough review of this critical new information.

2. TAINTED CREDIBILITY OF PETITION, IDENTITY CONCEALED UNDER FALSE PRETENSE.

Identification of the Tipton petition boxholder is noteworthy, since, according to the Postal Inspector, this individual applied for and used the box under false pretense, serving to conceal his identity from the public. Recent revelation of the petition boxholder is also of vital importance within this proceeding, since the GGR boxholder turns out to be the engineering member of the same group which has been trying to coerce Texas Grace's KRZB (FM) to relinquish usage of permitted Channel 248C2 at Archer City, so that they can facilitate a Dallas-Fort Worth area move-in. Given the immediate obstruction to KRZB's intended facility site and service plan posed by the Channel 249C2 drop-in at Tipton, examination of this individual's motives and conduct--and what Texas Grace believes to be the tainted credibility of the petition--is now warranted.

3. ENGINEERING CHALLENGE MUST BE ANSWERED.

Since the engineering connected to KRZB's C2 facility application site (a counterproposal in this proceeding) has been challenged within the March 30, 1999 Reply Comments of Mark Lipp and Paul Reynolds (ostensibly on behalf of WBAP/KSCS Operating, Ltd. and Blue Bonnet Radio, Inc. ("WBAP/Blue Bonnet")), Texas Grace has good reason to utilize its Supplemental Comments to respond, and certify through Engineering Statement that the facility does, in fact, provide city grade coverage to 100% of Archer City. An unforeseen discovery involving apparent mis-registration of FCC tower coordinates by the structure's owner must also be addressed.

4. MUST ADDRESS PETITIONER'S SUBSEQUENT RESERVATION OF NON-COMMERCIAL SERVICE, OFFER CONFLICT RESOLUTION.

Texas Grace must further use its Supplemental Comments to address the alteration and effective counterproposal by GGR of its original petition, since this petitioner has subsequently requested reservation of a not for profit, non-commercial service at Tipton. Texas Grace needs to formally respond to this petitioner request, and offer what it believes

will be an immediate resolution to the conflict between KRZB's service at Archer City, and the proposed service at Tipton.

5. GOOD-FAITH EFFORT TO WORK DIRECTLY WITH REPLY COMMENT PARTICIPANT DELAYED SUBMISSION OF PLEADING.

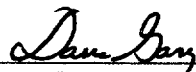
A final matter which served to delay this filing is noted here as a matter of record, and represents a good faith effort by Texas Grace--albeit unsuccessfully--to work with a Reply Comment participant directly to resolve conflict. On April 30, 1999, Texas Grace legal counsel John Trent reported that he had been contacted by Reply Comment participant Mark Lipp, who requested that Texas Grace postpone submission of Supplemental Comments in this proceeding, in order to give Lipp a chance to send over to Trent an engineering plan which would supposedly resolve Texas Grace's obstructed facility problem, and also allow Lipp's group to facilitate their project. However, Trent reports that Lipp failed to deliver the promised engineering correspondence, and, after approximately three weeks' time, Texas Grace believes this proceeding is a matter best resolved by the Allocations Chief.

6. CONCLUSION.

Texas Grace respectfully requests acceptance and thorough review of its Essential Supplemental Comments by the Commission. Texas Grace believes the information contained within to be extremely relevant and critical in nature to the Tipton proceeding. Acceptance and consideration of the Essential Supplemental Comments pleading best serves the public interest, by allowing the Allocations Chief the benefit of additional information crucial to the judicious processing and management of spectrum.

Respectfully submitted,

Texas Grace Communications



Dave Garey, Proprietor
Texas Grace Communications
20 Samlaw Dr.
Monsey, New York 10952

May 24, 1999

CERTIFICATION

I, Dave Garey, proprietor of Texas Grace Communications, and permittee of KRZB (FM) licensed to Archer City, Texas, do hereby verify that the statements contained in the instant document are true and correct to the best of my knowledge and belief. John Trent remains legal counsel of record for Texas Grace Communications within this proceeding, and it is therefore respectfully requested that he be simultaneously served by the Commission or other interested parties with all relevant procedural documents. However, the filing herein is made directly by Texas Grace's proprietor.

Respectfully Submitted By:

Texas Grace Communications

A handwritten signature in cursive script, appearing to read "Dave Garey", is written over a horizontal line.

Dave Garey, Proprietor

May 24, 1999

Dave Garey
Texas Grace Communications
20 Samlaw Drive
Monsey, NY 10952

cc:

John Trent
Putbrese, Hunsaker & Trent
100 Carpenter Drive, Suite 100
Sterling, VA 20167

(703) 437-8400

CERTIFICATE OF SERVICE

I, Dave Garey, proprietor of Texas Grace Communications, and permittee of KRZB (FM) licensed to Archer City, Texas, do hereby certify that I have, on May 24, 1999, sent by First Class U.S. Mail, postage prepaid, the forgoing "MOTION BY TEXAS GRACE COMMUNICATIONS FOR ACCEPTANCE OF LATE-FILED "ESSENTIAL SUPPLEMENTAL COMMENTS" PLEADING" to the following:

WBAP/KSCS Operating, Ltd. and Blue Bonnet Radio, Inc.
c/o Attorney Mark N. Lipp
Shook, Hardy & Bacon, LLP
600 14th Street, NW, Suite 800
Washington, DC 20005

Ellinor Nelson
Good Government Radio
P.O. Box 478
Gonzalez, FL 32560

Ms. Leslie K. Shapiro
Allocations Branch
Federal Communications Commission
445 12th St., SW
Room 3-A 360
Washington, DC 20554



Dave Garey